

# **EXHIBIT C**

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,  
*Individual and Representative Plaintiffs,*  
v.  
Meta Platforms, Inc.,  
*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-04663

**PLAINTIFF TA-NEHISI COATES'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**

1       **PROPOUNDING PARTIES:**                               **Defendant Meta Platforms, Inc.**  
2       **RESPONDING PARTIES:**                               **Plaintiff Ta-Nehisi Coates**  
3       **SET NUMBER:**   **Two (2)**

4  
5               Plaintiff Ta-Nehisi Coates (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s  
6       (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

7                               **GENERAL OBJECTIONS**

8               1.       Plaintiff generally objects to Defendant’s definitions and instructions to the extent they  
9       purport to require Plaintiff to respond in any way beyond what is required by the Federal and local  
10      rules.

11              2.       Plaintiff objects to the Requests to the extent they seek information or materials that are  
12      protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure  
13      rules, or other applicable privileges and protections, including communications with Plaintiff’s  
14      attorneys regarding the Action.

15              Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or  
16      supplement these responses with subsequently discovered responsive information and to introduce and  
17      rely upon any such subsequently discovered information in this litigation.

18                           **OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

19       **REQUEST FOR ADMISSION NO. 8:**

20              Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training  
21      data for artificial intelligence.

22       **RESPONSE TO REQUEST NO. 8:**

23              Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24      discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25      includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26      terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to this Request as  
27      unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
28      generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in

1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
3 is insufficient to enable him to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to this Request as  
25 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28

1 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
2 is insufficient to enable him to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to the term “lost  
27 sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because  
28 it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016

1 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of  
 2 the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v.*  
 3 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking  
 4 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.  
 5 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
 6 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
 7 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
 8 by him is insufficient to enable him to admit or deny.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
 11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
 16 terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff also objects to the term  
 17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
 18 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
 19 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
 20 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
 21 insufficient to enable him to admit or deny.

22 **REQUEST FOR ADMISSION NO. 14:**

23 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
 24 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

25 **RESPONSE TO REQUEST NO. 14:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 15:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 15:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that him Asserted Works



are included in several unconsented datasets used for Generative AI training in violation of the U.S. Copyright Act by a number of companies, including Meta Platforms.

**REQUEST FOR ADMISSION NO. 18:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are of any specific licensing opportunity that YOU lost due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 18:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to this Request as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 19:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff objects to the phrase,

**REQUEST FOR ADMISSION NO. 31:**

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 31:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in agreements produced in response to RFP 12.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Ta-Nehisi Coates. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

Dated: July 22, 2024

By: /s/ Bryan Clobes  
Bryan L. Clobes

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-04663

**PLAINTIFF JUNOT DIAZ'S RESPONSES  
TO DEFENDANT META PLATFORMS,  
INC.'S SECOND SET OF REQUESTS FOR  
ADMISSION**

**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.

**RESPONDING PARTIES:** Plaintiff Junot Diaz

**SET NUMBER:** Two (2)

Plaintiff Junot Diaz (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

### **GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

### **OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

#### **REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

#### **RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in

1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
3 is insufficient to enable him to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to this Request as  
25 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28



1 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
2 is insufficient to enable him to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to the term “lost sales” as  
27 rendering this Request vague and ambiguous. Plaintiff further objects to this Request because it is  
28 hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL



7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 13:**

Admit that YOU have no documentary evidence that any PERSON has offered any consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 13:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 14:**

Admit that YOU have no documentary evidence that any PERSON has actually compensated YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 14:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

1 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff also objects to the term  
2 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
3 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
4 part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds  
5 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
6 insufficient to enable him to admit or deny.

7 **REQUEST FOR ADMISSION NO. 15:**

8 Admit that, other than YOUR contention that LLM developers such as Meta should have  
9 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
10 are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due  
11 to the infringement alleged in the COMPLAINT.

12 **RESPONSE TO REQUEST NO. 15:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff also objects to the term  
17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
18 and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this  
19 Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not  
20 tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D.  
21 Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
22 permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*,  
23 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to  
24 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
25 committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole  
26 or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that  
27 after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient  
28 to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that him Asserted Works are

1 included in several unconsented datasets used for Generative AI training in violation of the U.S.  
2 Copyright Act by a number of companies, including Meta Platforms.

3 **REQUEST FOR ADMISSION NO. 18:**

4 Admit that, other than YOUR contention that LLM developers such as Meta should have  
5 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
6 are of any specific licensing opportunity that YOU lost due to the infringement alleged in the  
7 COMPLAINT.

8 **RESPONSE TO REQUEST NO. 18:**

9 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
10 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
11 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
12 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to this Request as  
13 irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff  
14 objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g.,*  
15 *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to  
16 admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within  
17 requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17,  
18 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use  
19 of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for  
20 Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to  
21 compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing  
22 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be  
23 readily obtained by him is insufficient to enable him to admit or deny.

24 **REQUEST FOR ADMISSION NO. 19:**

25 Admit that, other than YOUR contention that LLM developers such as Meta should have  
26 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
27 are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the  
28 infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff objects to the phrase, “other than

1 consideration. Plaintiff admits that him Asserted Works have been made available to the public through  
2 various licensing agreements that made copies of the Asserted Works available for a price. Plaintiff  
3 refers Meta to Plaintiff Silverman's response to RFP 12.

4 **REQUEST FOR ADMISSION NO. 29:**

5 Admit that none of YOUR claims in the COMPLAINT are based on any of YOUR unpublished  
6 works.

7 **RESPONSE TO REQUEST NO. 29:**

8 Plaintiff objects to the defined term "Your" as vague and overbroad and calling for discovery  
9 that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any  
10 person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms "Your"  
11 as referring to Plaintiff Junot Diaz. Plaintiff responds, admit that the Asserted Works are not  
12 unpublished works.

13 **REQUEST FOR ADMISSION NO. 30:**

14 Admit that YOU are not the only person who contributed literary content in each of YOUR  
15 ASSERTED WORKS.

16 **RESPONSE TO REQUEST NO. 30:**

17 Plaintiff objects to the defined terms "You" and "Your" as vague and overbroad and calling for  
18 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
19 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
20 terms "You" and "Your" as referring to Plaintiff Junot Diaz. Plaintiff further objects to the phrase  
21 "contributed literary content" as vague and unintelligible. Plaintiff responds that except for contributor  
22 contracts produced in response to RFP 10 and ROG 1, deny.

23 **REQUEST FOR ADMISSION NO. 31:**

24 Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for  
25 use in the training of an artificial intelligence large language model.

26 **RESPONSE TO REQUEST NO. 31:**

27 Plaintiff objects to the defined terms "You" and "Your" as vague and overbroad and calling for  
28 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it

1 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
2 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff further objects to this Request as  
3 duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections,  
4 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
5 by him is insufficient to enable him to admit or deny.

6 **REQUEST FOR ADMISSION NO. 32:**

7 Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED  
8 WORKS to THIRD PARTIES.

9 **RESPONSE TO REQUEST NO. 32:**

10 Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery  
11 that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any  
12 person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You”  
13 and “Your” as referring to Plaintiff Junot Diaz. Plaintiff further objects to the term “publisher” as  
14 vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in  
15 agreements produced in response to RFP 12.

16 **REQUEST FOR ADMISSION NO. 33:**

17 Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED  
18 works for the purpose of training an artificial intelligence large language model.

19 **RESPONSE TO REQUEST NO. 33:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
21 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
23 terms “You” and “Your” as referring to Plaintiff Junot Diaz. Plaintiff further objects to the phrase “for  
24 a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff  
25 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
26 is insufficient to enable him to admit or deny.



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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-06663

**PLAINTIFF CHRISTOPHER GOLDEN'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**



**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.

**RESPONDING PARTIES:** Plaintiff Christopher Golden

**SET NUMBER:** Two (2)

Plaintiff Christopher Golden (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

### **GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

### **OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

#### **REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

#### **RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds

1 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
2 insufficient to enable him to admit or deny.

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been  
5 licensed for use as training data for artificial intelligence.

6 **RESPONSE TO REQUEST NO. 9:**

7 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
8 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
9 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
10 terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff objects to this Request  
11 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
12 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
13 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
14 responds that after a reasonable inquiry, the information known or that can be readily obtained by him is  
15 insufficient to enable him to admit or deny.

16 **REQUEST FOR ADMISSION NO. 10:**

17 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as training  
18 data for artificial intelligence.

19 **RESPONSE TO REQUEST NO. 10:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
21 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
23 terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff objects to this Request  
24 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
25 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
26 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
27 responds that after a reasonable inquiry, the information known or that can be readily obtained by him is  
28 insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 11:**

Admit that YOU are unaware of consent ever having been given (either by YOU or somebody so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 11:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 12:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see, e.g., [March 7, 2024 denial of RFA No. 1]), YOU are unaware of any lost sales due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 12:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”);

1 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request  
 2 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.  
 3 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
 4 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
 5 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
 6 by him is insufficient to enable him to admit or deny.

7 **REQUEST FOR ADMISSION NO. 13:**

8 Admit that YOU have no documentary evidence that any PERSON has offered any  
 9 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

10 **RESPONSE TO REQUEST NO. 13:**

11 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 12 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 13 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
 14 terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff also objects to the term  
 15 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
 16 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
 17 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
 18 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
 19 insufficient to enable him to admit or deny.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
 22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 26 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
 27 terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff also objects to the term  
 28 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims

1 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
2 part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds  
3 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
4 insufficient to enable him to admit or deny.

5 **REQUEST FOR ADMISSION NO. 15:**

6 Admit that, other than YOUR contention that LLM developers such as Meta should have  
7 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
8 are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to  
9 the infringement alleged in the COMPLAINT.

10 **RESPONSE TO REQUEST NO. 15:**

11 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
12 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
13 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
14 terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff also objects to the term  
15 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
16 and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this  
17 Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not  
18 tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill.  
19 Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
20 permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*,  
21 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to  
22 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
23 committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole  
24 or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that  
25 after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient  
26 to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that his Asserted

1 Works are included in several unconsented datasets used for Generative AI training in violation of the  
2 U.S. Copyright Act by a number of companies, including Meta Platforms.

3 **REQUEST FOR ADMISSION NO. 18:**

4 Admit that, other than YOUR contention that LLM developers such as Meta should have  
5 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
6 are of any specific licensing opportunity that YOU lost due to the infringement alleged in the  
7 COMPLAINT.

8 **RESPONSE TO REQUEST NO. 18:**

9 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
10 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
11 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
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20 Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to  
21 compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections,  
22 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
23 by him is insufficient to enable him to admit or deny.

24 **REQUEST FOR ADMISSION NO. 19:**

25 Admit that, other than YOUR contention that LLM developers such as Meta should have  
26 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
27 are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the  
28 infringement alleged in the COMPLAINT.



**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff objects to the phrase,



**REQUEST FOR ADMISSION NO. 31:**

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 31:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in agreements produced in response to RFP 12.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Christopher Golden. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

Dated: July 22, 2024

By: /s/ Joseph R. Saveri  
Joseph R. Saveri

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-04663

**PLAINTIFF ANDREW SEAN GREER'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**

**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.

**RESPONDING PARTIES:** Plaintiff Andrew Sean Greer

**SET NUMBER:** Two (2)

Plaintiff Andrew Sean Greer (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

## GENERAL OBJECTIONS

1. Plaintiff generally objects to Defendant's definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff's attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

## OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS

**REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in

1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
3 is insufficient to enable him to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff objects to this Request  
25 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28

1 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
2 is insufficient to enable him to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff objects to the term “lost  
27 sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because  
28 it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016

1 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of  
 2 the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v.*  
 3 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking  
 4 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.  
 5 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
 6 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
 7 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
 8 by him is insufficient to enable him to admit or deny.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
 11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
 16 terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff also objects to the term  
 17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
 18 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
 19 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
 20 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
 21 insufficient to enable him to admit or deny.

22 **REQUEST FOR ADMISSION NO. 14:**

23 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
 24 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

25 **RESPONSE TO REQUEST NO. 14:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the



terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 15:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 15:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.



**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that him Asserted

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**REQUEST FOR ADMISSION NO. 31:**

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 31:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in agreements produced in response to RFP 12.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Andrew Sean Greer. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

Dated: July 22, 2024

By: /s/ Bryan Clobes  
Bryan L. Clobes

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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,  
*Individual and Representative Plaintiffs,*  
 v.  
 Meta Platforms, Inc.,  
*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
 Case No. 4:23-cv-04663

**PLAINTIFF DAVID HENRY HWANG'S  
 RESPONSES TO DEFENDANT META  
 PLATFORMS, INC.'S SECOND SET OF  
 REQUESTS FOR ADMISSION**

**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.  
**RESPONDING PARTIES:** Plaintiff David Henry Hwang  
**SET NUMBER:** Two (2)

Plaintiff David Henry Hwang (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

### **GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

### **OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

#### **REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

#### **RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in



1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
3 is insufficient to enable him to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to this Request  
25 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28

1 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
2 is insufficient to enable him to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to the term “lost  
27 sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because  
28 it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016

1 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of  
 2 the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v.*  
 3 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking  
 4 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.  
 5 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
 6 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
 7 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
 8 by him is insufficient to enable him to admit or deny.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
 11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
 16 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff also objects to the term  
 17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
 18 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
 19 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
 20 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
 21 insufficient to enable him to admit or deny.

22 **REQUEST FOR ADMISSION NO. 14:**

23 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
 24 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

25 **RESPONSE TO REQUEST NO. 14:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

1 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff also objects to the term  
2 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
3 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
4 part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds  
5 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
6 insufficient to enable him to admit or deny.

7 **REQUEST FOR ADMISSION NO. 15:**

8 Admit that, other than YOUR contention that LLM developers such as Meta should have  
9 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
10 are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due  
11 to the infringement alleged in the COMPLAINT.

12 **RESPONSE TO REQUEST NO. 15:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff also objects to the term  
17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
18 and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this  
19 Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not  
20 tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D.  
21 Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
22 permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*,  
23 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to  
24 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
25 committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole  
26 or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that  
27 after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient  
28 to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that him Asserted

1 Works are included in several unconsented datasets used for Generative AI training in violation of the  
2 U.S. Copyright Act by a number of companies, including Meta Platforms.

3 **REQUEST FOR ADMISSION NO. 18:**

4 Admit that, other than YOUR contention that LLM developers such as Meta should have  
5 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
6 are of any specific licensing opportunity that YOU lost due to the infringement alleged in the  
7 COMPLAINT.

8 **RESPONSE TO REQUEST NO. 18:**

9 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
10 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
11 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
12 terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to this Request  
13 as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff  
14 objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g.,*  
15 *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to  
16 admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within  
17 requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17,  
18 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use  
19 of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for  
20 Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to  
21 compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing  
22 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be  
23 readily obtained by him is insufficient to enable him to admit or deny.

24 **REQUEST FOR ADMISSION NO. 19:**

25 Admit that, other than YOUR contention that LLM developers such as Meta should have  
26 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
27 are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the  
28 infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff objects to the phrase,



**REQUEST FOR ADMISSION NO. 31:**

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 31:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in agreements produced in response to RFP 12.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff David Henry Hwang. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

Dated: July 22, 2024

By: /s/ Bryan L. Clobes  
Bryan L. Clobes

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-06663

**PLAINTIFF RICHARD KADREY'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**

**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.  
**RESPONDING PARTIES:** Plaintiff Richard Kadrey  
**SET NUMBER:** Two (2)

Plaintiff Richard Kadrey (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

**GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

**OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

**REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds

1 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
2 insufficient to enable him to admit or deny.

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
5 for use as training data for artificial intelligence.

6 **RESPONSE TO REQUEST NO. 9:**

7 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
8 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
9 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
10 terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to this Request as  
11 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
12 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
13 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
14 responds that after a reasonable inquiry, the information known or that can be readily obtained by him is  
15 insufficient to enable him to admit or deny.

16 **REQUEST FOR ADMISSION NO. 10:**

17 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as training  
18 data for artificial intelligence.

19 **RESPONSE TO REQUEST NO. 10:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
21 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
23 terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to this Request as  
24 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
25 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
26 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
27 responds that after a reasonable inquiry, the information known or that can be readily obtained by him is  
28 insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 11:**

Admit that YOU are unaware of consent ever having been given (either by YOU or somebody so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 11:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 12:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see, e.g., [March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 12:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v.*

1 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff  
2 to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36  
3 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in  
4 whole or in part of RFA 15. Subject to and without waiving the foregoing objections, Plaintiff responds  
5 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
6 insufficient to enable him to admit or deny.

7 **REQUEST FOR ADMISSION NO. 13:**

8 Admit that YOU have no documentary evidence that any PERSON has offered any  
9 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

10 **RESPONSE TO REQUEST NO. 13:**

11 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
12 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
13 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
14 terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff also objects to the term  
15 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
16 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
17 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
18 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
19 insufficient to enable him to admit or deny.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
27 terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff also objects to the term  
28 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims



1 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
 2 part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds  
 3 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
 4 insufficient to enable him to admit or deny.

5 **REQUEST FOR ADMISSION NO. 15:**

6 Admit that, other than YOUR contention that LLM developers such as Meta should have  
 7 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
 8 are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to  
 9 the infringement alleged in the COMPLAINT.

10 **RESPONSE TO REQUEST NO. 15:**

11 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 12 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 13 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
 14 terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff also objects to the term  
 15 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
 16 and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this  
 17 Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not  
 18 tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill.  
 19 Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
 20 permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*,  
 21 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to  
 22 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
 23 committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole  
 24 or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that  
 25 after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient  
 26 to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff further objects to the term “book sales” as rendering this request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that his Asserted Works

are included in several unconsented datasets used for Generative AI training in violation of the U.S. Copyright Act by a number of companies, including Meta Platforms.

**REQUEST FOR ADMISSION NO. 18:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are of any specific licensing opportunity that YOU lost due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 18:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to this Request as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 19:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff objects to the phrase,

**REQUEST FOR ADMISSION NO. 31:**

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 31:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in agreements produced in response to RFP 12.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Richard Kadrey. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

Dated: July 22, 2024

By: /s/ Joseph R. Saveri  
Joseph R. Saveri

Joseph R. Saveri (State Bar No. 130064)  
Cadio Zirpoli (State Bar No. 179108)  
Christopher K.L. Young (State Bar No. 318371)  
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Plaintiffs and the Proposed Class*

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mrathur@caffertyclobes.com

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-04663

**PLAINTIFF MATTHEW KLAM'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**



1       **PROPOUNDING PARTIES:**                               **Defendant Meta Platforms, Inc.**  
2       **RESPONDING PARTIES:**                               **Plaintiff Matthew Klam**  
3       **SET NUMBER:**   **Two (2)**

4  
5               Plaintiff Matthew Klam (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s  
6       (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

7                               **GENERAL OBJECTIONS**

8               1.       Plaintiff generally objects to Defendant’s definitions and instructions to the extent they  
9       purport to require Plaintiff to respond in any way beyond what is required by the Federal and local  
10      rules.

11              2.       Plaintiff objects to the Requests to the extent they seek information or materials that are  
12      protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure  
13      rules, or other applicable privileges and protections, including communications with Plaintiff’s  
14      attorneys regarding the Action.

15              Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or  
16      supplement these responses with subsequently discovered responsive information and to introduce and  
17      rely upon any such subsequently discovered information in this litigation.

18                           **OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

19       **REQUEST FOR ADMISSION NO. 8:**

20              Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training  
21      data for artificial intelligence.

22       **RESPONSE TO REQUEST NO. 8:**

23              Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24      discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25      includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26      terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to this Request as  
27      unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
28      generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in

1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
3 is insufficient to enable him to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to this Request as  
25 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28

1 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
2 is insufficient to enable him to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
16 is insufficient to enable him to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to the term “lost  
27 sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because  
28 it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016

1 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of  
2 the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v.*  
3 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking  
4 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.  
5 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
6 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
7 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
8 by him is insufficient to enable him to admit or deny.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff also objects to the term  
17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
18 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
19 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
20 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
21 insufficient to enable him to admit or deny.

22 **REQUEST FOR ADMISSION NO. 14:**

23 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
24 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

25 **RESPONSE TO REQUEST NO. 14:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

1 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff also objects to the term  
2 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
3 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
4 part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds  
5 that after a reasonable inquiry, the information known or that can be readily obtained by him is  
6 insufficient to enable him to admit or deny.

7 **REQUEST FOR ADMISSION NO. 15:**

8 Admit that, other than YOUR contention that LLM developers such as Meta should have  
9 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
10 are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due  
11 to the infringement alleged in the COMPLAINT.

12 **RESPONSE TO REQUEST NO. 15:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff also objects to the term  
17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
18 and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this  
19 Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not  
20 tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D.  
21 Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
22 permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*,  
23 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to  
24 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
25 committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole  
26 or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that  
27 after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient  
28 to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that him Asserted Works

are included in several unconsented datasets used for Generative AI training in violation of the U.S. Copyright Act by a number of companies, including Meta Platforms.

**REQUEST FOR ADMISSION NO. 18:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are of any specific licensing opportunity that YOU lost due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 18:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to this Request as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 19:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the infringement alleged in the COMPLAINT.



**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what his licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by him is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff objects to the phrase, “other

1 consideration. Plaintiff admits that him Asserted Works have been made available to the public through  
2 various licensing agreements that made copies of the Asserted Works available for a price. Plaintiff  
3 refers Meta to Plaintiff Silverman's response to RFP 12.

4 **REQUEST FOR ADMISSION NO. 29:**

5 Admit that none of YOUR claims in the COMPLAINT are based on any of YOUR unpublished  
6 works.

7 **RESPONSE TO REQUEST NO. 29:**

8 Plaintiff objects to the defined term "Your" as vague and overbroad and calling for discovery  
9 that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any  
10 person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms "Your"  
11 as referring to Plaintiff Matthew Klam. Plaintiff responds, admit that the Asserted Works are not  
12 unpublished works.

13 **REQUEST FOR ADMISSION NO. 30:**

14 Admit that YOU are not the only person who contributed literary content in each of YOUR  
15 ASSERTED WORKS.

16 **RESPONSE TO REQUEST NO. 30:**

17 Plaintiff objects to the defined terms "You" and "Your" as vague and overbroad and calling for  
18 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
19 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
20 terms "You" and "Your" as referring to Plaintiff Matthew Klam. Plaintiff further objects to the phrase  
21 "contributed literary content" as vague and unintelligible. Plaintiff responds that except for contributor  
22 contracts produced in response to RFP 10 and ROG 1, deny.

23 **REQUEST FOR ADMISSION NO. 31:**

24 Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for  
25 use in the training of an artificial intelligence large language model.

26 **RESPONSE TO REQUEST NO. 31:**

27 Plaintiff objects to the defined terms "You" and "Your" as vague and overbroad and calling for  
28 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it

1 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
2 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff further objects to this  
3 Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing  
4 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be  
5 readily obtained by him is insufficient to enable him to admit or deny.

6 **REQUEST FOR ADMISSION NO. 32:**

7 Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED  
8 WORKS to THIRD PARTIES.

9 **RESPONSE TO REQUEST NO. 32:**

10 Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery  
11 that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any  
12 person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You”  
13 and “Your” as referring to Plaintiff Matthew Klam. Plaintiff further objects to the term “publisher” as  
14 vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in  
15 agreements produced in response to RFP 12.

16 **REQUEST FOR ADMISSION NO. 33:**

17 Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED  
18 works for the purpose of training an artificial intelligence large language model.

19 **RESPONSE TO REQUEST NO. 33:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
21 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
23 terms “You” and “Your” as referring to Plaintiff Matthew Klam. Plaintiff further objects to the phrase  
24 “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff  
25 responds that after a reasonable inquiry, the information known or that can be readily obtained by him  
26 is insufficient to enable him to admit or deny.

Joseph R. Saveri (State Bar No. 130064)  
Cadio Zirpoli (State Bar No. 179108)  
Christopher K.L. Young (State Bar No. 318371)  
Holden Benon (State Bar No. 325847)  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-04663

**PLAINTIFF LAURA LIPPMAN'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**

1       **PROPOUNDING PARTIES:**                               **Defendant Meta Platforms, Inc.**  
2       **RESPONDING PARTIES:**                               **Plaintiff Laura Lippman**  
3       **SET NUMBER:**   **Two (2)**

4  
5               Plaintiff Laura Lippman (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s  
6       (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

7                               **GENERAL OBJECTIONS**

8               1.       Plaintiff generally objects to Defendant’s definitions and instructions to the extent they  
9       purport to require Plaintiff to respond in any way beyond what is required by the Federal and local  
10      rules.

11              2.       Plaintiff objects to the Requests to the extent they seek information or materials that are  
12      protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure  
13      rules, or other applicable privileges and protections, including communications with Plaintiff’s  
14      attorneys regarding the Action.

15              3.       Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or  
16      supplement these responses with subsequently discovered responsive information and to introduce and  
17      rely upon any such subsequently discovered information in this litigation.

18                           **OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

19       **REQUEST FOR ADMISSION NO. 8:**

20              Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training  
21      data for artificial intelligence.

22       **RESPONSE TO REQUEST NO. 8:**

23              Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24      discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25      includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26      terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to this Request as  
27      unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
28      generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in

1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
3 insufficient to enable her to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
16 insufficient to enable her to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to this Request as  
25 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28

1 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
2 insufficient to enable her to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to this Request as  
12 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
16 insufficient to enable her to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to the term “lost  
27 sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because  
28 it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016



1 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of  
2 the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v.*  
3 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking  
4 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.  
5 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
6 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
7 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
8 by her is insufficient to enable her to admit or deny.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff also objects to the term  
17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
18 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
19 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
20 that after a reasonable inquiry, the information known or that can be readily obtained by her is  
21 insufficient to enable her to admit or deny.

22 **REQUEST FOR ADMISSION NO. 14:**

23 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
24 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

25 **RESPONSE TO REQUEST NO. 14:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

1 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff also objects to the term  
2 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
3 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
4 part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds  
5 that after a reasonable inquiry, the information known or that can be readily obtained by her is  
6 insufficient to enable her to admit or deny.

7 **REQUEST FOR ADMISSION NO. 15:**

8 Admit that, other than YOUR contention that LLM developers such as Meta should have  
9 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
10 are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due  
11 to the infringement alleged in the COMPLAINT.

12 **RESPONSE TO REQUEST NO. 15:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff also objects to the term  
17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
18 and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this  
19 Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not  
20 tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D.  
21 Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
22 permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*,  
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24 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
25 committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole  
26 or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that  
27 after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient  
28 to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that her Asserted Works

are included in several unconsented datasets used for Generative AI training in violation of the U.S. Copyright Act by a number of companies, including Meta Platforms.

**REQUEST FOR ADMISSION NO. 18:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are of any specific licensing opportunity that YOU lost due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 18:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to this Request as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 19:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff objects to the phrase, “other

1 consideration. Plaintiff admits that her Asserted Works have been made available to the public through  
2 various licensing agreements that made copies of the Asserted Works available for a price. Plaintiff  
3 refers Meta to Plaintiff Lippman's response to RFP 12.

4 **REQUEST FOR ADMISSION NO. 29:**

5 Admit that none of YOUR claims in the COMPLAINT are based on any of YOUR unpublished  
6 works.

7 **RESPONSE TO REQUEST NO. 29:**

8 Plaintiff objects to the defined term "Your" as vague and overbroad and calling for discovery  
9 that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any  
10 person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms "Your"  
11 as referring to Plaintiff Laura Lippman. Plaintiff responds, admit that the Asserted Works are not  
12 unpublished works.

13 **REQUEST FOR ADMISSION NO. 30:**

14 Admit that YOU are not the only person who contributed literary content in each of YOUR  
15 ASSERTED WORKS.

16 **RESPONSE TO REQUEST NO. 30:**

17 Plaintiff objects to the defined terms "You" and "Your" as vague and overbroad and calling for  
18 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
19 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
20 terms "You" and "Your" as referring to Plaintiff Laura Lippman. Plaintiff further objects to the phrase  
21 "contributed literary content" as vague and unintelligible. Plaintiff responds that except for contributor  
22 contracts produced in response to RFP 10 and ROG 1, deny.

23 **REQUEST FOR ADMISSION NO. 31:**

24 Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for  
25 use in the training of an artificial intelligence large language model.

26 **RESPONSE TO REQUEST NO. 31:**

27 Plaintiff objects to the defined terms "You" and "Your" as vague and overbroad and calling for  
28 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it

1 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
2 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff further objects to this  
3 Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing  
4 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be  
5 readily obtained by her is insufficient to enable her to admit or deny.

6 **REQUEST FOR ADMISSION NO. 32:**

7 Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED  
8 WORKS to THIRD PARTIES.

9 **RESPONSE TO REQUEST NO. 32:**

10 Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery  
11 that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any  
12 person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You”  
13 and “Your” as referring to Plaintiff Laura Lippman. Plaintiff further objects to the term “publisher” as  
14 vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in  
15 agreements produced in response to RFP 12.

16 **REQUEST FOR ADMISSION NO. 33:**

17 Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED  
18 works for the purpose of training an artificial intelligence large language model.

19 **RESPONSE TO REQUEST NO. 33:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
21 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
23 terms “You” and “Your” as referring to Plaintiff Laura Lippman. Plaintiff further objects to the phrase  
24 “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff  
25 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
26 insufficient to enable her to admit or deny.



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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-06663

**PLAINTIFF SARAH SILVERMAN'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**

**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.  
**RESPONDING PARTIES:** Plaintiff Sarah Silverman  
**SET NUMBER:** Two (2)

Plaintiff Sarah Silverman (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

### **GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

### **OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

#### **REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

#### **RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds

1 that after a reasonable inquiry, the information known or that can be readily obtained by her is  
2 insufficient to enable her to admit or deny.

3 **REQUEST FOR ADMISSION NO. 9:**

4 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
5 for use as training data for artificial intelligence.

6 **RESPONSE TO REQUEST NO. 9:**

7 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
8 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
9 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
10 terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to this Request as  
11 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
12 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
13 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
14 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
15 insufficient to enable her to admit or deny.

16 **REQUEST FOR ADMISSION NO. 10:**

17 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as training  
18 data for artificial intelligence.

19 **RESPONSE TO REQUEST NO. 10:**

20 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
21 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
22 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
23 terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to this Request as  
24 unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
25 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
26 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
27 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
28 insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 11:**

Admit that YOU are unaware of consent ever having been given (either by YOU or somebody so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 11:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 12:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see, e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 12:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v.*

1 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff  
2 to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36  
3 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in  
4 whole or in part of RFA 15. Subject to and without waiving the foregoing objections, Plaintiff responds  
5 that after a reasonable inquiry, the information known or that can be readily obtained by her is  
6 insufficient to enable her to admit or deny.

7 **REQUEST FOR ADMISSION NO. 13:**

8 Admit that YOU have no documentary evidence that any PERSON has offered any  
9 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

10 **RESPONSE TO REQUEST NO. 13:**

11 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
12 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
13 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
14 terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff also objects to the term  
15 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
16 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
17 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
18 that after a reasonable inquiry, the information known or that can be readily obtained by her is  
19 insufficient to enable her to admit or deny.

20 **REQUEST FOR ADMISSION NO. 14:**

21 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
22 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

23 **RESPONSE TO REQUEST NO. 14:**

24 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
25 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
26 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
27 terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff also objects to the term  
28 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims

1 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
 2 part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds  
 3 that after a reasonable inquiry, the information known or that can be readily obtained by her is  
 4 insufficient to enable her to admit or deny.

5 **REQUEST FOR ADMISSION NO. 15:**

6 Admit that, other than YOUR contention that LLM developers such as Meta should have  
 7 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
 8 are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to  
 9 the infringement alleged in the COMPLAINT.

10 **RESPONSE TO REQUEST NO. 15:**

11 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
 12 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
 13 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
 14 terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff also objects to the term  
 15 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
 16 and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this  
 17 Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not  
 18 tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill.  
 19 Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
 20 permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*,  
 21 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to  
 22 infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
 23 committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole  
 24 or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that  
 25 after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to  
 26 enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that her Asserted Works



are included in several unconsented datasets used for Generative AI training in violation of the U.S. Copyright Act by a number of companies, including Meta Platforms.

**REQUEST FOR ADMISSION NO. 18:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are of any specific licensing opportunity that YOU lost due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 18:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to this Request as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 19:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff objects to the phrase,

1 **REQUEST FOR ADMISSION NO. 31:**

2 Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for  
3 use in the training of an artificial intelligence large language model.

4 **RESPONSE TO REQUEST NO. 31:**

5 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
6 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
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8 terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff further objects to this  
9 Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing  
10 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be  
11 readily obtained by her is insufficient to enable her to admit or deny.

12 **REQUEST FOR ADMISSION NO. 32:**

13 Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED  
14 WORKS to THIRD PARTIES.

15 **RESPONSE TO REQUEST NO. 32:**

16 Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery  
17 that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any  
18 person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You”  
19 and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff further objects to the term “publisher”  
20 as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated  
21 in agreements produced in response to RFP 12.

22 **REQUEST FOR ADMISSION NO. 33:**

23 Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED  
24 works for the purpose of training an artificial intelligence large language model.

25 **RESPONSE TO REQUEST NO. 33:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Sarah Silverman. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

Dated: July 22, 2024

By: /s/ Joseph R. Saveri  
Joseph R. Saveri

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,

*Individual and Representative Plaintiffs,*

v.

Meta Platforms, Inc.,

*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-04663

**PLAINTIFF RACHEL LOUISE SNYDER'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**

**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.  
**RESPONDING PARTIES:** Plaintiff Rachel Louise Snyder  
**SET NUMBER:** Two (2)

Plaintiff Rachel Louise Snyder (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

**GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

**OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

**REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in

1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
3 insufficient to enable her to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
16 insufficient to enable her to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to this Request  
25 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28



1 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
2 insufficient to enable her to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
16 insufficient to enable her to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to the term  
27 “lost sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request  
28 because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit*

1 *Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected  
2 to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.””);  
3 *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request  
4 “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R.  
5 Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
6 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
7 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
8 by her is insufficient to enable her to admit or deny.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff also objects to the  
17 term “documentary evidence” as being vague and overbroad because it is not limited to the specific  
18 claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in  
19 whole or in part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections,  
20 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
21 by her is insufficient to enable her to admit or deny.

22 **REQUEST FOR ADMISSION NO. 14:**

23 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
24 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

25 **RESPONSE TO REQUEST NO. 14:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 15:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 15:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that her Asserted

1 Works are included in several unconsented datasets used for Generative AI training in violation of the  
2 U.S. Copyright Act by a number of companies, including Meta Platforms.

3 **REQUEST FOR ADMISSION NO. 18:**

4 Admit that, other than YOUR contention that LLM developers such as Meta should have  
5 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
6 are of any specific licensing opportunity that YOU lost due to the infringement alleged in the  
7 COMPLAINT.

8 **RESPONSE TO REQUEST NO. 18:**

9 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
10 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
11 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
12 terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to this Request  
13 as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff  
14 objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g.,*  
15 *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to  
16 admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within  
17 requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17,  
18 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use  
19 of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for  
20 Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to  
21 compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing  
22 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be  
23 readily obtained by her is insufficient to enable her to admit or deny.

24 **REQUEST FOR ADMISSION NO. 19:**

25 Admit that, other than YOUR contention that LLM developers such as Meta should have  
26 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
27 are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the  
28 infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff objects to the phrase,

**REQUEST FOR ADMISSION NO. 31:**

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 31:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in agreements produced in response to RFP 12.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the



terms “You” and “Your” as referring to Plaintiff Rachel Louise Snyder. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

Dated: July 22, 2024

By: /s/ Bryan Clobes  
Bryan L. Clobes

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Richard Kadrey, et al.,  
*Individual and Representative Plaintiffs,*  
v.  
Meta Platforms, Inc.,  
*Defendant.*

Lead Case No. 3:23-cv-03417-VC  
Case No. 4:23-cv-04663

**PLAINTIFF JACQUELINE WOODSON'S  
RESPONSES TO DEFENDANT META  
PLATFORMS, INC.'S SECOND SET OF  
REQUESTS FOR ADMISSION**

**PROPOUNDING PARTIES:** Defendant Meta Platforms, Inc.  
**RESPONDING PARTIES:** Plaintiff Jacqueline Woodson  
**SET NUMBER:** Two (2)

Plaintiff Jacqueline Woodson (“Plaintiff”) hereby responds to Defendant Meta Platforms, Inc.’s (“Defendant” or “Meta”) Second Set of Requests for Admissions (the “Requests” or “RFAs”).

**GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant’s definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work product doctrine, expert disclosure rules, or other applicable privileges and protections, including communications with Plaintiff’s attorneys regarding the Action.

Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or supplement these responses with subsequently discovered responsive information and to introduce and rely upon any such subsequently discovered information in this litigation.

**OBJECTIONS AND RESPONSES TO INDIVIDUAL REQUESTS**

**REQUEST FOR ADMISSION NO. 8:**

Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 8:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in

1 part of RFAs 9-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
2 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
3 insufficient to enable her to admit or deny.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been licensed  
6 for use as training data for artificial intelligence.

7 **RESPONSE TO REQUEST NO. 9:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8, 10-11 and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
16 insufficient to enable her to admit or deny.

17 **REQUEST FOR ADMISSION NO. 10:**

18 Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as  
19 training data for artificial intelligence.

20 **RESPONSE TO REQUEST NO. 10:**

21 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
22 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
23 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
24 terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to this Request  
25 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
26 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
27 part of RFAs 8-9, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
28

1 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
2 insufficient to enable her to admit or deny.

3 **REQUEST FOR ADMISSION NO. 11:**

4 Admit that YOU are unaware of consent ever having been given (either by YOU or somebody  
5 so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for  
6 artificial intelligence.

7 **RESPONSE TO REQUEST NO. 11:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
9 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
10 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
11 terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to this Request  
12 as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean  
13 generative artificial intelligence. Plaintiff further objects to this Request as duplicative in whole or in  
14 part of RFAs 8-10, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff  
15 responds that after a reasonable inquiry, the information known or that can be readily obtained by her is  
16 insufficient to enable her to admit or deny.

17 **REQUEST FOR ADMISSION NO. 12:**

18 Admit that, other than YOUR contention that LLM developers such as Meta should have  
19 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models (see,  
20 e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the infringement  
21 alleged in the COMPLAINT.

22 **RESPONSE TO REQUEST NO. 12:**

23 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
24 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
25 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
26 terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to the term “lost  
27 sales” as rendering this Request vague and ambiguous. Plaintiff further objects to this Request because  
28 it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016

1 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of  
2 the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v.*  
3 *Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking  
4 Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P.  
5 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
6 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing objections,  
7 Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained  
8 by her is insufficient to enable her to admit or deny.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language models.

12 **RESPONSE TO REQUEST NO. 13:**

13 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
14 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
15 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
16 terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff also objects to the term  
17 “documentary evidence” as being vague and overbroad because it is not limited to the specific claims  
18 and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in  
19 part of RFAs 8-11, and 14. Subject to and without waiving the foregoing objections, Plaintiff responds  
20 that after a reasonable inquiry, the information known or that can be readily obtained by her is  
21 insufficient to enable her to admit or deny.

22 **REQUEST FOR ADMISSION NO. 14:**

23 Admit that YOU have no documentary evidence that any PERSON has actually compensated  
24 YOU any consideration for use of YOUR ASSERTED WORKS to train large language models.

25 **RESPONSE TO REQUEST NO. 14:**

26 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
27 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
28 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 15:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any documentary evidence that YOU have lost sales of any ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 15:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.



**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that her Asserted

1 Works are included in several unconsented datasets used for Generative AI training in violation of the  
2 U.S. Copyright Act by a number of companies, including Meta Platforms.

3 **REQUEST FOR ADMISSION NO. 18:**

4 Admit that, other than YOUR contention that LLM developers such as Meta should have  
5 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
6 are of any specific licensing opportunity that YOU lost due to the infringement alleged in the  
7 COMPLAINT.

8 **RESPONSE TO REQUEST NO. 18:**

9 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for  
10 discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it  
11 includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the  
12 terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to this Request  
13 as irrelevant to any claim or defense and disproportional to the status and needs of this case. Plaintiff  
14 objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g.,*  
15 *Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to  
16 admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within  
17 requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17,  
18 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use  
19 of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for  
20 Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to  
21 compensate Plaintiff, let alone other LLM developers. Subject to and without waiving the foregoing  
22 objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be  
23 readily obtained by her is insufficient to enable her to admit or deny.

24 **REQUEST FOR ADMISSION NO. 19:**

25 Admit that, other than YOUR contention that LLM developers such as Meta should have  
26 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU  
27 are unaware of any documentary evidence that YOU lost a specific licensing opportunity due to the  
28 infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 19:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to the phrase, “other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to the term “documentary evidence” as being vague and overbroad because it is not limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. There is no way for Plaintiff to know what her licensing opportunities would have been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 20:**

Admit that, other than YOUR contention that LLM developers such as Meta should have compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models, YOU are unaware of any injury that YOU have suffered due to the infringement alleged in the COMPLAINT.

**RESPONSE TO REQUEST NO. 20:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff objects to the phrase,

**REQUEST FOR ADMISSION NO. 31:**

Admit that YOU have never offered to license or sell any of YOUR ASSERTED WORKS for use in the training of an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 31:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits that certain relicensing rights have been granted to third parties, as indicated in agreements produced in response to RFP 12.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the

terms “You” and “Your” as referring to Plaintiff Jacqueline Woodson. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Subject to and without waiving the foregoing objections, Plaintiff responds that after a reasonable inquiry, the information known or that can be readily obtained by her is insufficient to enable her to admit or deny.

Dated: July 22, 2024

By: /s/ Bryan Clobes  
Bryan L. Clobes

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD KADREY, SARAH SILVERMAN,  
CHRISTOPHER GOLDEN, TA-NEHISI  
COATES, JUNOT DÍAZ, ANDREW SEAN  
GREER, DAVID HENRY HWANG,  
MATTHEW KLAM, LAURA LIPPMAN,  
RACHEL LOUISE SNYDER, JACQUELINE  
WOODSON, AND LYSA TERKEURST,

*Individual and Representative Plaintiffs,*

v.

META PLATFORMS, INC.;

*Defendant.*

Case No. 3:23-cv-03417-VC

**PLAINTIFF LYSA TERKEURST'S  
RESPONSES AND OBJECTIONS TO  
DEFENDANT META PLATFORMS,  
INC.'S SECOND SET OF REQUESTS  
FOR ADMISSION**

Plaintiff Lysa TerKeurst ("Plaintiff") hereby responds to Defendant Meta Platforms, Inc.'s ("Defendant" or "Meta") Second Set of Requests for Admissions (the "Requests" or "RFAs").

**GENERAL OBJECTIONS**

1. Plaintiff generally objects to Defendant's definitions and instructions to the extent they purport to require Plaintiff to respond in any way beyond what is required by the Federal and local rules.

2. Plaintiff objects to the Requests to the extent they seek information or materials that are protected from disclosure by attorney-client privilege, the work-product doctrine, expert

1 disclosure rules, or other applicable privileges and protections, including communications with  
2 Plaintiff's attorneys regarding the Action.

3       Discovery in this matter is ongoing and Plaintiff reserves the right to amend, modify, or  
4 supplement these responses with subsequently discovered responsive information and to  
5 introduce and rely upon any such subsequently discovered information in this litigation.

6               **OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSIONS**

7 **REQUEST FOR ADMISSION NO. 8:**

8       Admit that YOU have never licensed any of YOUR ASSERTED WORKS for use as  
9 training data for artificial intelligence.

10 **RESPONSE TO REQUEST NO. 8:**

11       Plaintiff objects to the defined terms "You" and "Your" as vague and ambiguous, and so  
12 for the purposes of answering this Request, Plaintiff will construe the terms "You" and "Your"  
13 as referring to Plaintiff Lysa TerKeurst and her agent, Meredith Brock. Plaintiff objects to this  
14 Request as unintelligible and vague as to the term "artificial intelligence" and will construe that  
15 term to mean generative artificial intelligence. Plaintiff further objects to this Request to the  
16 extent it is duplicative in whole or in part of RFAs 9-11 and 13-14. Subject to and without  
17 waiving the foregoing objections, Plaintiff admits that neither Meta nor any other entity  
18 gathering training data for generative artificial intelligence has requested to license any of  
19 Plaintiff's ASSERTED WORKS, and so further responding, admits Request No. 8.

20 **REQUEST FOR ADMISSION NO. 9:**

21       Admit that YOU are unaware of any of YOUR ASSERTED WORKS ever having been  
22 licensed for use as training data for artificial intelligence.

23 **RESPONSE TO REQUEST NO. 9:**

24       Plaintiff objects to the defined terms "You" and "Your" as vague and ambiguous, and so  
25 for the purposes of answering this Request, Plaintiff will construe the terms "You" and "Your"  
26 as referring to Plaintiff Lysa TerKeurst and her agent, Meredith Brock. Plaintiff objects to this



Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request to the extent it is duplicative in whole or in part of RFAs 8, 10, 11, and 13-14. Subject to and without waiving the foregoing objections, Plaintiff admits that neither Meta nor any other entity gathering training data for generative artificial intelligence has requested to license any of Plaintiff’s ASSERTED WORKS, and so further responding, Plaintiff admits Request No. 9.

**REQUEST FOR ADMISSION NO. 10:**

Admit that YOU have never consented to use of any of YOUR ASSERTED WORKS as training data for artificial intelligence.

**RESPONSE TO REQUEST NO. 10:**

Plaintiff objects to the defined terms “You” and “Your” as vague and ambiguous, and so for the purposes of answering this Request, Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst and her agent, Meredith Brock. Plaintiff objects to this Request as unintelligible and vague as to the term “artificial intelligence” and will construe that term to mean generative artificial intelligence. Plaintiff further objects to this Request to the extent it is duplicative in whole or in part of RFAs 8, 9, 11, 13 and 14. Subject to and without waiving the foregoing objections, Plaintiff admits that neither Meta nor any other entity gathering training data for generative artificial intelligence has sought Plaintiff’s permission to use any of Plaintiff’s ASSERTED WORKS as training data for generative artificial intelligence, and so further responding, Plaintiff admits Request No. 10.

**REQUEST FOR ADMISSION NO. 11:**

Admit that YOU are unaware of consent ever having been given (either by YOU or somebody so authorized on YOUR behalf) to use of any of YOUR ASSERTED WORKS as training data for artificial intelligence.

1 **RESPONSE TO REQUEST NO. 11:**

2 Plaintiff objects to the defined terms “You” and “Your” as vague and ambiguous, and so  
 3 for the purposes of answering this Request, Plaintiff will construe the terms “You” and “Your”  
 4 as referring to Plaintiff Lysa TerKeurst and her agent, Meredith Brock. Plaintiff objects to this  
 5 Request as unintelligible and vague as to the term “artificial intelligence” and will construe that  
 6 term to mean generative artificial intelligence. Plaintiff further objects to this Request to the  
 7 extent it is duplicative in whole or in part of RFAs 8-10, 13 and 14. Subject to and without  
 8 waiving the foregoing objections, Plaintiff admits that neither Meta nor any other entity  
 9 gathering training data for generative artificial intelligence has sought Plaintiff’s permission to  
 10 use any of Plaintiff’s ASSERTED WORKS as training data for generative artificial intelligence,  
 11 and so, further responding, Plaintiff admits Request No. 11.

12 **REQUEST FOR ADMISSION NO. 12:**

13 Admit that, other than YOUR contention that LLM developers such as Meta should have  
 14 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language models  
 15 (see, e.g., March 7, 2024 denial of RFA No. 1), YOU are unaware of any lost sales due to the  
 16 infringement alleged in the COMPLAINT.

17 **RESPONSE TO REQUEST NO. 12:**

18 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
 19 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
 20 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. For the  
 21 purposes of this Request, Plaintiff will construe the terms “You” and “Your” as referring to  
 22 Plaintiff Lysa TerKeurst. Plaintiff objects to the term “lost sales” as rendering this Request vague  
 23 and ambiguous. Plaintiff further objects to this Request because it is hypothetical and is not tied  
 24 to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D.  
 25 Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do  
 26 not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs.*

1 *Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to  
2 admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36  
3 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as  
4 duplicative in whole or in part of RFA 15. Subject to and without waiving the foregoing  
5 objections, Plaintiff admits that she is currently unaware of any lost book sales through retailers  
6 caused by the infringement alleged in the Complaint and denies that her lack of awareness has  
7 any bearing on whether there have been any such lost sales. Plaintiff otherwise denies Request  
8 No. 12.

9 **REQUEST FOR ADMISSION NO. 13:**

10 Admit that YOU have no documentary evidence that any PERSON has offered any  
11 consideration to YOU for the use of YOUR ASSERTED WORKS to train large language  
12 models.

13 **RESPONSE TO REQUEST NO. 13:**

14 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
15 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
16 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff  
17 will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff also  
18 objects to the term “documentary evidence” as being vague and overbroad because it is not  
19 limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this  
20 Request as duplicative in whole or in part of RFAs 8-11, and 14. Subject to and without waiving  
21 the foregoing objections, Plaintiff admits that neither Meta nor any other entity gathering training  
22 data for generative artificial intelligence has sought Plaintiff’s permission to use any of  
23 Plaintiff’s ASSERTED WORKS as training data for generative artificial intelligence, and so,  
24 further responding, Plaintiff admits Request No. 13.

25 **REQUEST FOR ADMISSION NO. 14:**

1 Admit that YOU have no documentary evidence that any PERSON has actually  
2 compensated YOU any consideration for use of YOUR ASSERTED WORKS to train large  
3 language models.

4 **RESPONSE TO REQUEST NO. 14:**

5 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
6 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
7 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff  
8 will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff also  
9 objects to the term “documentary evidence” as being vague and overbroad because it is not  
10 limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to this  
11 Request as duplicative in whole or in part of RFAs 8-11, and 13. Subject to and without waiving  
12 the foregoing objections, Plaintiff admits that neither Meta nor any other entity gathering training  
13 data for generative artificial intelligence has sought Plaintiff’s permission to use any of  
14 Plaintiff’s ASSERTED WORKS as training data for generative artificial intelligence, and so,  
15 further responding, Plaintiff admits Request No. 14.

16 **REQUEST FOR ADMISSION NO. 15:**

17 Admit that, other than YOUR contention that LLM developers such as Meta should have  
18 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language  
19 models, YOU are unaware of any documentary evidence that YOU have lost sales of any  
20 ASSERTED WORKS due to the infringement alleged in the COMPLAINT.

21 **RESPONSE TO REQUEST NO. 15:**

22 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
23 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
24 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff  
25 will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff also  
26 objects to the term “documentary evidence” as being vague and overbroad because it is not

limited to the specific claims and defenses raised in this dispute. Plaintiff further objects to the term “lost sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Plaintiff further objects to this Request as duplicative in whole or in part of RFA 12. Subject to and without waiving the foregoing objections, Plaintiff admits that she is currently unaware of any documentary evidence of lost book sales through retailers due to the infringement alleged in the Complaint and denies that her lack of awareness has any bearing on whether any such lost sales have occurred or whether documentary evidence of the same exists. Plaintiff otherwise denies Request No. 15.

**REQUEST FOR ADMISSION NO. 16:**

Admit that book sales for YOUR ASSERTED WORKS (including through any physical bookstore, on-line bookseller, or any other type of book wholesaler or retailer) have not decreased due to the alleged use of YOUR ASSERTED WORKS to train large language models.

**RESPONSE TO REQUEST NO. 16:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff also objects to this Request because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since

requests to admit ‘must be connected to the facts of the case, courts do not permit “hypothetical” questions within requests for admission.’”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946 amendment. Subject to and without waiving the foregoing objections, Plaintiff admits that she is currently unaware of a decrease in sales of her book caused by the infringement alleged in the COMPLAINT but denies that her lack of awareness has any bearing on whether such a decrease in sales has occurred or whether documentary evidence of the same exists. Plaintiff otherwise denies Request No. 16.

**REQUEST FOR ADMISSION NO. 17:**

Admit that YOU are aware that YOUR ASSERTED WORKS have been a part of a dataset that has been used to train large language models beyond those large language models by Meta.

**RESPONSE TO REQUEST NO. 17:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff further objects to the term “book sales” as rendering this Request vague and ambiguous. Plaintiff admits that her ASSERTED WORKS were infringed by Bloomberg L.P., Bloomberg Finance, L.P., and others, and that. Plaintiff believes, among other things, that the Bloomberg parties used her Asserted Works to train its large language models without Plaintiff’s consent or authorization, which infringement Plaintiff is seeking to remedy in *Huckabee v. Bloomberg, L.P. et al.*, Master File No. 1:23-cv-09152 (S.D.N.Y.). Plaintiff otherwise denies Request No. 17.

**REQUEST FOR ADMISSION NO. 18:**

1 Admit that, other than YOUR contention that LLM developers such as Meta should have  
2 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language  
3 models, YOU are unaware of any specific licensing opportunity that YOU lost due to the  
4 infringement alleged in the COMPLAINT.

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7 **RESPONSE TO REQUEST NO. 18:**

8 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
9 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
10 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff  
11 will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff  
12 objects to this Request as irrelevant to any claim or defense and disproportional to the status and  
13 needs of this case. Plaintiff objects to this Request because it is hypothetical and is not tied to the  
14 facts of the case. *See, e.g., Buchanan v. Chi. Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill.  
15 Dec. 7, 2016) (“Since requests to admit ‘must be connected to the facts of the case, courts do not  
16 permit “hypothetical” questions within requests for admission.”); *Fulhorst v. Un. Techs. Auto.,*  
17 *Inc.*, 1997 WL 873548, at \*3 (D. Del. Nov. 17, 1997) (denying request “asking Plaintiff to admit  
18 to infringement in the context of the hypothetical use of its device”); Fed. R. Civ. P. 36 advisory  
19 committee’s note to 1946 amendment. There is no way for Plaintiff to know what her licensing  
20 opportunities would have been but for Meta’s failure to compensate Plaintiff, let alone other  
21 LLM developers. Subject to and without waiving the foregoing objections, Plaintiff admits that  
22 Plaintiff is currently unaware of any specific licensing opportunity that she has lost due to the  
23 infringement alleged in the COMPLAINT, but denies that her lack of awareness has any bearing  
24 on whether any such licensing opportunities were lost. Plaintiff otherwise denies Request No.  
25 18.

26 **REQUEST FOR ADMISSION NO. 19:**



1 Admit that, other than YOUR contention that LLM developers such as Meta should have  
2 compensated YOU to allegedly use YOUR ASSERTED WORKS to train large language  
3 models, YOU are unaware of any documentary evidence that YOU lost a specific licensing  
4 opportunity due to the infringement alleged in the COMPLAINT.

5 **RESPONSE TO REQUEST NO. 19:**

6 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
7 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
8 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff  
9 will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff  
10 objects to the phrase, “other than YOUR contention that LLM developers such as Meta should  
11 have compensated YOU to allegedly use” as irrelevant and unintelligible. Plaintiff also objects to  
12 the term “documentary evidence” as being vague and overbroad because it is not limited to the  
13 specific claims and defenses raised in this dispute. Plaintiff further objects to this Request  
14 because it is hypothetical and is not tied to the facts of the case. *See, e.g., Buchanan v. Chi.*  
15 *Transit Auth.*, 2016 WL 7116591, at \*5 (N.D. Ill. Dec. 7, 2016) (“Since requests to admit ‘must  
16 be connected to the facts of the case, courts do not permit “hypothetical” questions within  
17 requests for admission.”); *Fulhorst v. Un. Techs. Auto., Inc.*, 1997 WL 873548, at \*3 (D. Del.  
18 Nov. 17, 1997) (denying request “asking Plaintiff to admit to infringement in the context of the  
19 hypothetical use of its device”); Fed. R. Civ. P. 36 advisory committee’s note to 1946  
20 amendment. There is no way for Plaintiff to know what her licensing opportunities would have  
21 been but for Meta’s failure to compensate, let alone other LLM developers. Subject to and  
22 without waiving the foregoing objections, Plaintiff admits that Plaintiff is currently unaware of  
23 any documentary evidence that she has lost a specific licensing opportunity due to the  
24 infringement alleged in the COMPLAINT, but denies that her lack of awareness has any bearing  
25 on whether any licensing opportunities were lost due to the infringement alleged in the  
26 COMPLAINT or whether documentary evidence of the same exists.

1 Admit that YOU are not the only person who contributed literary content in each of  
2 YOUR ASSERTED WORKS.

3 **RESPONSE TO REQUEST NO. 30:**

4 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
5 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
6 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff  
7 will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff  
8 further objects to the phrase “contributed literary content” as vague and unintelligible. Subject to  
9 and without waiving these objections, Plaintiff admits Request No. 30 to the extent that she had  
10 assistance in editing manuscripts that became her ASSERTED WORKS. Plaintiff otherwise  
11 denies Request No. 30.

12 **REQUEST FOR ADMISSION NO. 31:**

13 Admit that YOU have never offered to license or sell any of YOUR ASSERTED  
14 WORKS for use in the training of an artificial intelligence large language model.

15 **RESPONSE TO REQUEST NO. 31:**

16 Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and  
17 calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as  
18 defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff  
19 will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst and her agent,  
20 Meredith Brock. Plaintiff further objects to this Request as unintelligible and vague as to the  
21 term “artificial intelligence” and will construe that term to mean generative artificial intelligence.  
22 Plaintiff further objects to this Request as duplicative in whole or in part of RFAs 8-11. Subject  
23 to and without waiving the foregoing objections, Plaintiff admits that neither Meta nor any other  
24 entity gathering training data for generative artificial intelligence has asked to license or  
25 purchase any of Plaintiff’s ASSERTED WORKS, and so, further responding, Plaintiff admits  
26 Request No. 31.

**REQUEST FOR ADMISSION NO. 32:**

Admit that YOUR publisher has the ability, on your behalf, to license YOUR ASSERTED WORKS to THIRD PARTIES.

**RESPONSE TO REQUEST NO. 32:**

Plaintiff objects to the defined term “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst and her agent, Meredith Brock. Plaintiff further objects to the term “publisher” as vague. Plaintiff admits Request No. 32 to the extent that Plaintiff has provided certain relicensing rights to her publisher. Plaintiff otherwise denies Request No. 32.

**REQUEST FOR ADMISSION NO. 33:**

Admit that for a fee, YOU are willing to allow a THIRD PARTY to use YOUR ASSERTED works for the purpose of training an artificial intelligence large language model.

**RESPONSE TO REQUEST NO. 33:**

Plaintiff objects to the defined terms “You” and “Your” as vague and overbroad and calling for discovery that is irrelevant and/or disproportional to the needs of the case because, as defined, it includes any person asked, hired, retained, or contracted to assist Plaintiff. Plaintiff will construe the terms “You” and “Your” as referring to Plaintiff Lysa TerKeurst. Plaintiff further objects to the phrase “for a fee” as vague and ambiguous. Plaintiff further objects that Request No. 33 poses an incomplete hypothetical, making a single definitive answer impossible. Subject to and without waiving the foregoing objections, Plaintiff admits only that she may be willing to consider permitting a third party to use her asserted works for the purpose of training an artificial intelligence large language model, for a fee, under certain circumstances. Plaintiff otherwise denies Request No. 33.